

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION**

**JESSICA FEENEY, on behalf of
herself and all others similarly
situated,**

Plaintiff,

vs.

**WALGREENS HEALTH
INITIATIVES, INC., and
KELLY SERVICES, INC.,**

Defendants.

Civil Action No. CV-10-S-0844-NW

ORDER

This order addresses the following three pleadings: the motion of plaintiff, Jessica Feeney, to facilitate notice, pursuant to § 216(b) Fair Labor Standards Act of 1938 (“FLSA”), 9 U.S.C. § 201 *et seq.*, to potential opt-in plaintiffs to this putative collective action;¹ the motion of defendant, Kelly Services, Inc., for summary judgment;² and, the petition, in response, filed by plaintiff for further discovery pursuant to Federal Rule of Civil Procedure 56(f).³

Upon consideration, the court determines that the motion to facilitate notice and the motion for summary judgment are both premature in light of the following

¹ Doc. no. 19.

² Doc. no. 24

³ Doc. no. 28.

scheduling order regarding plaintiff's putative class claims under the FLSA. Accordingly, both are due to be, and are hereby, DENIED, but without prejudice to their refiling at the appropriate time. As this scheduling order directs that the case proceed with limited discovery regarding the existence of individuals similarly situated to plaintiff, plaintiff's petition for further discovery is GRANTED, but only insofar as consistent with the schedule as set forth below and the memorandum opinion entered contemporaneously herewith.

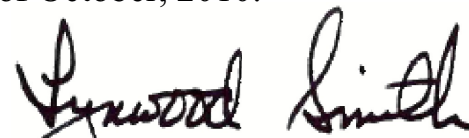
In accordance with the accompanying memorandum opinion, this scheduling order governs further proceedings in this action regarding plaintiff's putative class claims under the FLSA.

1. **Discovery:** Discovery by way of interrogatories, production of documents, and, if necessary, depositions on the issue of whether there are other employees of defendants who are similarly situated to plaintiff must be commenced in time to be completed by January 26, 2011.

2. **Class certification:** Plaintiff's motion for conditional class certification and authority to serve notice of such to putative class members to opt-in must be filed by January 26, 2011, together with supporting evidence, a brief, and a proposed form of notice. Defendants shall file their evidence and brief in opposition to plaintiff's motion on or before February 25, 2011, at which time the motion will be deemed

submitted for decision. Should the court find it desirable, a hearing on the motion will be scheduled.

DONE and ORDERED this 27th day of October, 2010.



United States District Judge